REMARKS

Claims 1-15 are pending in the present application. Claims 1, 4 and 8 have been amended. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claims 1, 3-6, 8, 9, 11-13 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Patent No. 5,829,038 to Merrell, *et al.* (hereinafter "Merrell"). Claim 2 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Merrell as applied to claim 1, and in view of U.S. Patent No. 6,401,199 B1 to Klein (hereinafter "Klein"). Claims 7 and 10 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Merrell as applied to claims 1 and 9, and further in view of The Cache Memory Book by Him Handy (hereinafter "Handy"). Claims 14 and 15 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Merrell as applied to claim 13, and further in view of U.S. Patent No. 5,157,780 to Stewart, *et al.* (hereinafter "Stewart"). Applicants respectfully traverse these rejections.

Claim 1 requires:

[an] interface further configured to discard all the data to be written to an external memory received from the processor chip without writing any of the data to the external memory.

Claim 4 requires:

discarding the write instructions without writing any data to an external memory

Claim 8 requires:

the interface further configured to receive processor data from the processor chip and discard all the processor data to be written to the

external memory without writing any of the processor data to an external memory.

The Merrell patent does not disclose discarding data or write instructions without writing the data to an external memory. Merrell discloses a multi-level write-back cache in which data may be stored in multiple locations, such as a higher or lower cache line. Abstract. Merrell teaches that the cache line will not be written back to the memory subsystem (e.g. external memory) unless the line no longer exists in any of the cache levels. Col. 2, lns. 10-13. However, deleted data in Merrell is <u>always</u> written back to the memory subsystem eventually. Figure 2, element 209; Figure 3, element 306; col. 4, lns. 1-14. When data is to be evicted from a given level in Merrell it is "written back" to the next lowest level of cache. When data is to be evicted from the lowest level of cache, it is written back to the external memory. The data in Merrell is written to the external memory 60 via databus 70. Data evicted from the lowest level of cache is never discarded and it is always written to the external memory. Therefore, Merrell does not teach the limitation of discarding data "without writing any of the data to an external memory" because the data in Merrell is <u>always</u> eventually written to the external memory subsystem.

Similarly, the Klein, Handy and Stewart references fail to disclose discarding data to be written to an external memory and not writing data to the external memory. Applicants again object to the proposed combinations under the Examiner's § 103 rejections and incorporate the arguments from Applicants' previous Amendment. Accordingly, Applicants respectfully submit that claims 1 to 15 are patentable over the cited references and should be passed to issue.

Claims 2, 3, 5-7, and 9-15 depend from claims 1, 4 and 8, respectfully and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

 October 1, 2007   /Michael J. Fogarty, III/
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